

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 )  
 )  
BETTY JOHNSON, )  
 )  
vs. ) No. 02-0452  
PEOPLES GAS LIGHT AND COKE )  
COMPANY )  
 )  
Complaint as to overcharging and )  
estimated bills in Chicago, )  
Illinois. )  
Chicago, Illinois  
July 30, 2002

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN T. RILEY, Administrative Law Judge.

APPEARANCES:

MS. BETTY JOHNSON  
3947 West Polk Street, 2nd Floor  
Chicago, Illinois 60624  
Appearing for the petitioner;

MR. PETER BRIGIDA  
130 East Randolph Drive, 23rd Floor  
Chicago, Illinois 60601  
Appearing for Peoples Gas Light and Coke  
Company.

ALSO PRESENT: Ms. Maxine Johnson

SULLIVAN REPORTING COMPANY, by  
Julianne Murphy, RPR, CSR

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I N D E X

<u>Witnesses:</u>					
(None.)	<u>Direct</u>	<u>Cross</u>	<u>direct</u>	<u>cross</u>	<u>By Examiner</u>

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
(None marked.)		

1 JUDGE RILEY: Pursuant to the direction of the  
2 Illinois Commerce Commission, I now call Docket  
3 02-0452. This is a complaint by Betty Johnson  
4 versus Peoples Gas Light and Coke Company as to  
5 overcharging and estimated bills in Chicago,  
6 Illinois.

7 Ms. Johnson, are you proceeding without  
8 counsel at this point?

9 MS. BETTY JOHNSON: Yes.

10 JUDGE RILEY: Okay. And your address?

11 I'm sorry. Could you state your address,  
12 please.

13 MS. BETTY JOHNSON: 3947 West Polk Street,  
14 2nd Floor.

15 JUDGE RILEY: And that's Chicago, 60624.

16 MS. BETTY JOHNSON: -24, yes.

17 JUDGE RILEY: And will the representative from  
18 Peoples Gas please enter an appearance.

19 MR. BRIGIDA: Peter Brigida on behalf of Peoples  
20 Gas Light and Coke Company, 130 East Randolph  
21 Drive, Chicago, Illinois 60601.

22 JUDGE RILEY: Okay. And Ms. Johnson, from the

1 complaint that you filed, as I look at it here, in  
2 January 2002, what, seven months ago, you received  
3 a \$1,600 bill?

4 MS. BETTY JOHNSON: Yes.

5 JUDGE RILEY: This just came out of nowhere?

6 MS. BETTY JOHNSON: Yes.

7 JUDGE RILEY: Who -- do you remember who at  
8 Peoples Gas told you that this was from 1998 and  
9 1999 usage?

10 MS. BETTY JOHNSON: Let me get her name. I have  
11 it here. K. Stanley.

12 JUDGE RILEY: Okay. K. Stanley?

13 MS. BETTY JOHNSON: Yes. It's S-t-a-l-e-y.

14 JUDGE RILEY: Okay. Do you recall back in 1998  
15 or 1999 getting a bill at any time for \$1,600?

16 MS. BETTY JOHNSON: Never.

17 JUDGE RILEY: And this was at the same address?  
18 We're talking about the same address at all times?

19 MS. BETTY JOHNSON: Yes.

20 JUDGE RILEY: And it's the second floor at 3947  
21 West Polk?

22 MS. BETTY JOHNSON: Yes.

1 JUDGE RILEY: Well, all it says here -- what is  
2 your normal usage from month to month? Do you -- I  
3 mean, obviously it's higher in the winter than it  
4 is in the summer, I would think.

5 MS. BETTY JOHNSON: Well, in the winter it  
6 usually run about -- it had to have been like 100  
7 to a 100-some dollars. And then I complained  
8 constantly -- like, this has been going on for  
9 years and I'd complain.

10 Then it came down to like I figured it  
11 should have been, like \$94 -- \$94 or maybe 107; I'm  
12 not exactly 100 percent sure because I didn't bring  
13 all of my bills.

14 And the last bill I got in 2001 was 94 --

15 JUDGE RILEY: So you've complained in the past  
16 even about your normal bills -- about the regular  
17 monthly bills that you've been getting?

18 MS. BETTY JOHNSON: Yeah, past, because it's  
19 been a constant complaint that they estimate or  
20 they give me a reason that -- it's given me all  
21 kind of unnecessary reason, like the last -- like  
22 this case here, they say in '98 and '99 my bill was

1 more. Then the next person I talked to, which the  
2 letter states too, that it was crossed up with the  
3 number -- I had a letter here. It said that  
4 another apartment was crossed up with mine.

5 And when I called you all, and Mr. Darren  
6 from this office asked her was the meter number  
7 different. She says no.

8 JUDGE RILEY: Okay. I'm kind of lost here right  
9 now as to what's going on.

10 Do you own the building that you live in?

11 MS. BETTY JOHNSON: Yes.

12 JUDGE RILEY: You are the owner, and you live on  
13 the second floor?

14 MS. BETTER JOHNSON: Yes.

15 JUDGE RILEY: Is this a two-flat?

16 MS. BETTY JOHNSON: Yes.

17 JUDGE RILEY: So each unit in the building has a  
18 meter, right?

19 MS. BETTY JOHNSON: Yes.

20 JUDGE RILEY: Do you pay both of those or does  
21 your tenant pay the other one?

22 MS. BETTY JOHNSON: The tenant pay the other

1 one.

2 JUDGE RILEY: So you just pay for the second  
3 floor?

4 MS. BETTY JOHNSON: Yes.

5 JUDGE RILEY: What I want to do is get to the  
6 mystery of where this \$1,600 bill came from if you  
7 never got -- it looks like accumulation of usage  
8 over a period of months --

9 MR. BRIGIDA: I can explain it. Yeah. It looks  
10 like what happened here was that there was a meter  
11 change for her apartment in August of 2000.

12 MS. BETTY JOHNSON: No, my meter wasn't changed.

13 MR. BRIGIDA: It was for -- it was actually for  
14 the first floor. But our records basically got  
15 crossed, and we started charging the first floor  
16 based on the second floor meter --

17 JUDGE RILEY: I see.

18 MR. BRIGIDA: -- and the second floor based on  
19 the first floor meter.

20 And then when we discovered the error, we  
21 went back and basically did a correction so that  
22 the first floor was billed for the actual usage of

1 the first floor; the second floor was billed for  
2 the actual usage of the second floor.

3 And that's where this additional amount  
4 comes into play.

5 JUDGE RILEY: Okay. So back in -- that was in  
6 January of 2000?

7 MR. BRIGIDA: That was August of 2000 that that  
8 took place.

9 JUDGE RILEY: The meter change was in August of  
10 2000.

11 And when it -- as a result of the meter  
12 change, it was -- you're saying that the first  
13 floor was billed for second floor usage and the  
14 second floor was billed for first floor usage?

15 MR. BRIGIDA: Yes.

16 JUDGE RILEY: When was -- and that was  
17 corrected?

18 MR. BRIGIDA: Our records were corrected in  
19 December of 2001.

20 JUDGE RILEY: Okay. So that went on for about  
21 16 months.

22 MR. BRIGIDA: Um-hmm.



1 JUDGE RILEY: Yeah. Okay. And what happened  
2 after the correction with regard to the billing?

3 MR. BRIGIDA: Then basically a balloon bill was  
4 sent out. It looks like -- it looks like they  
5 actually tried to bill for the total time period  
6 there, and that was obviously in error.

7 JUDGE RILEY: You're saying the balloon bill was  
8 an error?

9 MR. BRIGIDA: Well, they tried to go back to  
10 August of 2000.

11 JUDGE RILEY: Okay. The balloon bill was sent  
12 to Ms. Johnson; is that correct?

13 MR. BRIGIDA: Yes. And obviously the Commission  
14 rules only allow us to go back a year in this type  
15 of circumstance. So then another correction was  
16 made.

17 JUDGE RILEY: Okay. So if you only go back one  
18 year, one year from what point?

19 MR. BRIGIDA: I believe from the December 26,  
20 2001. And that, I don't have the exact -- I don't  
21 have all the information with me at this point.

22 JUDGE RILEY: Okay. So you're saying that if

1 Ms. Johnson was billed, it would only have been  
2 from, like, December of 2000, December 26th of  
3 2000?

4 MR. BRIGIDA: It should have been.

5 JUDGE RILEY: And is that \$1,600 the balloon  
6 bill that we're talking about here?

7 MR. BRIGIDA: I believe it's actually -- I  
8 believe it's actually a 1,400 amount at this point,  
9 1432.55.

10 JUDGE RILEY: And is that -- I mean, and that  
11 covers the usage of the second floor apartment?

12 MR. BRIGIDA: Yes.

13 JUDGE RILEY: Okay. Now, this is where I'm  
14 confused because, I mean, what happened to the  
15 charges that she was paying on when she was getting  
16 bills during the cross-billing? I mean, at some  
17 point she was being billed for first floor usage.

18 MR. BRIGIDA: She would have been credited that  
19 amount, whatever she paid.

20 JUDGE RILEY: And it still would have ended up  
21 \$1,432?

22 MR. BRIGIDA: Yes.

1 JUDGE RILEY: So it's my understanding that  
2 Ms. Johnson paid. Was her account kept up to date  
3 during this cross-billing period?

4 MR. BRIGIDA: Let me check my records here.  
5 I don't have that information.

6 JUDGE RILEY: Okay. What I'm missing here is --  
7 in other words, there was a meter change that  
8 resulted in a cross-billing that was -- I don't  
9 think it was -- whose mistake was it? I mean,  
10 obviously the cross-billing was a Peoples snafu  
11 or --

12 MR. BRIGIDA: Yes.

13 JUDGE RILEY: But Ms. Johnson goes along and  
14 presumably has paid her bills during that time as  
15 they came in, even though she was paying for, you  
16 know, another unit and the other unit was paying  
17 for her place.

18 The mistake gets corrected, and she ends  
19 up with a \$1,432 bill after being credited. I  
20 mean, I don't understand how -- shouldn't it have  
21 just gone back to just being billed on a  
22 month-by-month basis for her own place?

1       MR. BRIGIDA: Well, under the Commission rules,  
2 we're allowed to go back and bill for basically  
3 unbilled usage for a year.

4       JUDGE RILEY: But this is what I'm saying: How  
5 could there have been unbilled usage if she was  
6 paying all along, even though it was for a  
7 different apartment? That's --

8       MR. BRIGIDA: Because obviously her apartment  
9 was using more gas than the first floor apartment.  
10 And these are not estimates; these are actual  
11 readings on both of the meters.

12               So basically the second floor meter was  
13 using more gas than the first floor meter; she was  
14 only being billed for the first floor meter, so we  
15 went back.

16       JUDGE RILEY: So this is like the difference  
17 over that whole period of time?

18       MR. BRIGIDA: Yes. Yes.

19       JUDGE RILEY: Okay. I understand where Peoples  
20 is coming from now. Let me make a note here.

21               And that was during the period that the  
22 meters were crossed, for that period of time?

1       MR. BRIGIDA: Well, it's for -- it shouldn't be  
2 for that whole time period because, again, the  
3 Commission rules only allow us to go back a year  
4 under this kind of circumstance.

5       JUDGE RILEY: Okay. But that \$1,400 figure,  
6 then, is for that -- for whatever period of time  
7 you were allowed to go back?

8       MR. BRIGIDA: Yes.

9       JUDGE RILEY: And that reflects the difference  
10 in the usage?

11       MR. BRIGIDA: Yes.

12       JUDGE RILEY: I understand.

13               Ms. Johnson, do you understand what  
14 Peoples is saying? I'm going to see if I can --

15       MS. BETTY JOHNSON: No.

16       JUDGE RILEY: Let's see if I can explain it.  
17 Let's go off the record for a second.

18               (Discussion off the record.)

19       JUDGE RILEY: What I believe Peoples Gas is  
20 saying is that there was a period of about  
21 16 months or so where your apartment was  
22 actually -- you were actually paying for the usage,

1 the gas usage, of the first floor apartment in your  
2 building and the first floor apartment was actually  
3 paying for the usage -- your gas usage on the  
4 second floor. And that was a result of their  
5 mix-up with their own equipment.

6           Once they straightened that out and the  
7 second floor meter was billing the second floor  
8 meter -- or registering second floor meter use and  
9 the first floor meter was registering first floor  
10 meter use, they went back for whatever period of  
11 time they were allowed and billed you for the  
12 actual amount of usage of your apartment going back  
13 that -- approximately one year.

14       MR. BRIGIDA: Yes.

15       JUDGE RILEY: And what Peoples Gas is saying is  
16 because your usage, actual usage, on that second  
17 floor was higher than the first floor, obviously  
18 then that's where the \$1,432 is coming from.

19       MS. BETTY JOHNSON: But that -- I'm sorry.

20       JUDGE RILEY: No. No. Please go ahead.

21       MS. BETTY JOHNSON: But that is not true.

22           Also in 2000 I got a bill -- 2000. I'm

1 not 100 percent sure, but I don't have a bill with  
2 me. I didn't know I was going to need that.

3 In 2000, I think 400 and some dollars in  
4 August. And I called Peoples Gas constantly. They  
5 stated the same thing, something basically -- what  
6 they just said in writing that it was because of  
7 what I had been using. And I explained to them  
8 that I hadn't even turned my gas on. This was  
9 August; I don't know the exact date. It was 2000  
10 something.

11 Then they said when the man came out to  
12 change the meter, he read it and that's what it had  
13 been. I had to call you all on this. And it take  
14 them to December to take that off, which was  
15 \$2,444; that's what they said the bill was. I  
16 hadn't even had my gas on.

17 Then when it's finally -- after calling  
18 you all for three or four months then they finally  
19 agreed because they looked -- the lady that I spoke  
20 with from here looked back over all my previous  
21 bill. It was \$44, just like this. They just goes  
22 in -- and this has been going on for years. It

1 didn't just start now.

2           They've been estimating from what it was,  
3 and from me going back over the bills and once I  
4 got this letter, then I understood: They are  
5 charging me for gas that was supposedly used a long  
6 time ago.

7           See, the second floor used to be -- used  
8 to furnish the whole building. And they just go --  
9 and when they just go back and look in the record  
10 and they say, This is what you used -- you know,  
11 they were saying like in the '80s, even '90s.

12           Whenever I would call, this is what they  
13 would say: This is what you've been using.

14           And I just kept looking at the bill and  
15 taking what they was saying because it says  
16 "current." Like the \$2,400 said "current."

17           So like this bill here that I got, a bill  
18 in December of 2001, it says "current, \$94." But  
19 now they jump way back in January because I said it  
20 was 1,600 but it's 1,900 because I found the bill.  
21 Back in January they jumped and said it was  
22 1,992.38.



1 JUDGE RILEY: January of what?

2 MS. BETTY JOHNSON: January of 2002. The bill  
3 that I said was 1,600 --

4 JUDGE RILEY: Um-hmm.

5 MS. BETTY JOHNSON: -- I didn't have the bill  
6 when I wrote the letter, but I just found the bill.

7 JUDGE RILEY: And it says how much?

8 MS. BETTY JOHNSON: It says 1,99.38.

9 And when I -- I don't know if you have  
10 records of all of this, but they just say anything  
11 they feel like it's comfortable for them.

12 When I called you all over there, I spoke  
13 with Mr. -- Darwin spoke with Staley, K. Staley,  
14 she said, Oh, it's not 1,600, or it's not 1,900;  
15 it's 444. Then he said, Well, what the bill said?  
16 And she chuckled.

17 JUDGE RILEY: I'm sorry.

18 MS. BETTY JOHNSON: See, when I called them they  
19 just say whatever is convenient.

20 JUDGE RILEY: Well, no, I'm going to disregard  
21 that because they don't say whatever is convenient.

22 MS. BETTY JOHNSON: Okay.

1 JUDGE RILEY: I didn't follow this conversation  
2 you had with Ms. Staley. You said somebody else  
3 chuckled; who else was on the line? Who else  
4 was --

5 MS. BETTY JOHNSON: She was on the line with Mr.  
6 Darrin Harvell from here --

7 JUDGE RILEY: Okay.

8 MS. BETTY JOHNSON: -- when I was telling her --  
9 when I was telling him what the bill was. And she  
10 said, No, it's not 1,900; it's \$444. He said,  
11 Well, that's what it is?

12 JUDGE RILEY: Okay.

13 MS. BETTY JOHNSON: You know, I'm just saying  
14 all of the stress that I go through when I try to  
15 get it it's always them and how they just pull  
16 numbers up.

17 JUDGE RILEY: But you have a bill there for  
18 \$1,900?

19 MS. BETTY JOHNSON: Yes.

20 JUDGE RILEY: Let me see it.

21 Were they looking at the same dates of  
22 service? In other words, when they said it was

1     only \$400 and some dollars due --

2           MS. BETTY JOHNSON:  I don't even know.  But I  
3     got another bill later saying it was 2,000  
4     something.  You know, it just kept going up, and  
5     that's when I started talking to Peoples Gas.  I  
6     wasn't going to get it resolved, and that's when I  
7     called you all.

8           JUDGE RILEY:  Well, I'm not 100 percent sure  
9     where we go from here.  It's obvious you're  
10    disputing the charges.

11          MS. BETTY JOHNSON:  Yes.

12          JUDGE RILEY:  And you said that these were based  
13    on actual readings?

14          MR. BRIGIDA:  Yes, we have the actual readings.

15                 Now, why don't we do this:  We could get a  
16    long continuance.  I can try to answer her  
17    questions and go through the documents with you  
18    because I agree with you; they are confusing.

19                 And if we're not able to resolve it that  
20    way, then maybe we can go forward.  But I'd like  
21    the opportunity to explain to her, to the customer,  
22    what is actually going on and what these bills

1 mean.

2           And that may take -- you know, if  
3 possible, I'd like to get a transcript that has  
4 basically all the bills in one document. I think  
5 that might be helpful.

6       JUDGE RILEY: Okay. Render a comprehensive  
7 explanation --

8       MR. BRIGIDA: Absolutely.

9       JUDGE RILEY: -- of the history of this thing  
10 for the time in question?

11       MR. BRIGIDA: Yes.

12       JUDGE RILEY: Ms. Johnson, would you be amenable  
13 to that? Would you agree to that, to sit down with  
14 Peoples Gas once they get all their information  
15 collected and have them go over it with you in  
16 detail, to explain to you just exactly how the  
17 charges resulted in what they are today?

18       MS. BETTY JOHNSON: I agree to listen to them;  
19 but if they're saying that, then I disagree with  
20 that, if they're going to try to go with the figure  
21 that they have.

22       JUDGE RILEY: Say it again. I'm sorry.

1 MS. BETTY JOHNSON: I said if they want to go  
2 with the figure that they have, I have -- no need  
3 for me to be sitting down with him if that's  
4 what -- he's going to go with the figure that he  
5 have, because I know that's not right.

6 JUDGE RILEY: I don't know -- the only other  
7 choice that we have is to go forward with your  
8 complaint then and go to hearing and present your  
9 evidence.

10 And quite frankly, I think Mr. Brigida has  
11 made a good point, that it might be very beneficial  
12 if you did -- how long a continuance were you  
13 thinking, six weeks, a month?

14 MR. BRIGIDA: Around that time period.

15 JUDGE RILEY: Okay. That if you did give them  
16 one more opportunity to sit down and listen and  
17 just go over again in detail what the charges are  
18 and how they resulted in what they are right now,  
19 it might be beneficial to you.

20 MS. BETTY JOHNSON: If they're going to say the  
21 charges is the same, then it wouldn't be beneficial  
22 to me because I know it's not.

1 JUDGE RILEY: Well, I don't know if they're --  
2 if that's the result that they're going to come to.  
3 But it's possible, I suppose.

4 MR. BRIGIDA: Well, that's something that --  
5 when I look into the records and when I listen to  
6 your questions and try to answer them, I may  
7 find -- you know, I may find errors in here. I may  
8 be able to explain things to you.

9 That's something that we can discuss as we  
10 go through this. But I think it would be helpful  
11 for both of us to go through this and try to see  
12 exactly what happened with your account over the  
13 years.

14 And this isn't waiving any of your rights  
15 at all. It's just giving us an opportunity to try  
16 to settle it beforehand. If you're not happy with  
17 that, we can always come back.

18 MS. BETTY JOHNSON: Do I have to file another  
19 complaint or something?

20 JUDGE RILEY: Not at all, no. This complaint is  
21 still active, absolutely. No.

22 All we're saying is just give this some

1 time for them to go back over your account in  
2 detail and try to explain to you -- and as he said,  
3 there may be discrepancies that they're going to  
4 have to account for.

5           So it's not necessarily that the bottom  
6 line they're giving you today is the absolute  
7 bottom line. There may be adjustments.

8           I can't guarantee that, but there may be  
9 changes. And what Peoples Gas is asking for is  
10 just simply the opportunity to do that and they  
11 need some time to pull everything together.

12       MS. BETTY JOHNSON: And so what you're saying  
13 you're sending me to Peoples Gas. Peoples Gas  
14 where?

15       MR. BRIGIDA: Well, what we could do is you  
16 could send me the bills that you questioned. I'll  
17 take a look at them. I'll gather our records.

18       MS. BETTY JOHNSON: You all already have them; I  
19 can tell you. I don't want to be sitting. I've  
20 been sitting too much and calling too much.

21       MR. BRIGIDA: Okay. We can go over it maybe  
22 right after this hearing. We'll sit down, and then

1 I'll try to get the information together. I'll  
2 give you a call. We can set up a time period  
3 that's convenient for you to either meet by phone  
4 or if you'd like to come down to our offices,  
5 that's fine too.

6 We can try to discuss it; if you're not  
7 happy with it, we go forward with the complaint.

8 MS. BETTY JOHNSON: Does that sound --

9 MS. MAXINE JOHNSON: Um-hmm. That's fine, just  
10 so long as you got a time frame so it's not forever  
11 so you can proceed.

12 JUDGE RILEY: But I do urge you to give it one  
13 more opportunity to resolve this or at least get  
14 more clear information so if you do to choose  
15 proceed, you can do so with much better  
16 information.

17 We're at the end of July. We'll set this  
18 for just after Labor Day.

19 MR. BRIGIDA: Okay.

20 JUDGE RILEY: Is that okay?

21 MS. BETTY JOHNSON: What date?

22 JUDGE RILEY: Well, let's see. Labor Day is



1   that Monday, the 2nd.   Are Mondays okay for  
2   everybody?

3       MS. BETTY JOHNSON:   You say it's Monday, okay.  
4   But the Monday after --

5       JUDGE RILEY:   No.   No.   What I'm saying is are  
6   Mondays generally okay for people to reconvene if  
7   we had to reconvene.

8       MS. BETTY JOHNSON:   Oh, yes.   Okay.

9       JUDGE RILEY:   What I was thinking was  
10   September 9; Monday, September 9.   It's the week  
11   after Labor Day.

12               Is that enough time, do you think?

13       MR. BRIGIDA:   Yes.   And that will be for another  
14   status?

15       JUDGE RILEY:   Right.   That will be at 10:00 a.m.  
16   again, and it will be at our offices.

17               Were there any other questions?

18       MS. BETTY JOHNSON:   No.

19       JUDGE RILEY:   Okay.   What I will do, Counsel, is  
20   I will leave this in your hands for the time being  
21   and let you work with the complainant and see what  
22   you can arrive at.   I will get out of the way, and

1 I will continue this matter.

2 We will reconvene September 9 at  
3 10:00 a.m. and we'll see where we are at that point  
4 and see if some of your questions, at least, have  
5 been answered and see if you've gotten any  
6 satisfaction at all.

7 But like I said, I just want to give it --  
8 I think counsel's made an excellent point just to  
9 give it time and see if you can't pull the  
10 information together to clarify things for you a  
11 little bit.

12 MS. BETTY JOHNSON: Okay.

13 JUDGE RILEY: All right. I'll leave it at that,  
14 then.

15 (Whereupon the hearing in the  
16 above-entitled matter was  
17 continued until September 9,  
18 2002, at 10:00 a.m.)

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